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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,666	07/11/2001	Masayuki Fujisawa	1248-0546P	7833
2292	7590	11/18/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CHEN, CHONGSHAN	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/901,666	FUJISAWA, MASAYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chongshan Chen	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 June 2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. ("Chang", US 6,134,584).

As per claim 1, Chang discloses a data communication apparatus, which utilizes hypertext data stored in a server apparatus via a network, the data communication apparatus comprising:

schedule generating means for generating and storing schedule data based on a request for obtaining the hypertext data which occurs in off-line operation in which the data communication apparatus is not connected to the network nor to an intermediary device (Chang, col. 5, lines 59-65, col. 6, lines 3-27); and

schedule processing means for processing during on-line operation the request for obtaining the hypertext data based on the stored off-line schedule data when the data communication apparatus is connected to the network (Chang, Fig. 2A & 2B, col. 5, line 65 – col. 6, line 2, “In Fig. 2 it shows a method to be executed by the Internet Data Download Scheduler when the system timer is up at the scheduled wake-up time”, col. 6, lines 27-59, “automatically turning on the requesting computer system according to the system timer if the requesting computer is not turned on, and dialing up to connect to the network ... accessing the download data’s network address and transmitting the data to the requesting computer system”).

As per claim 2, Chang teaches all the claimed subject matters as discussed in claim 1, and further teaches clocking means which detects present time and date; and connection control means which connects the data communication apparatus to the network to establish on-line operation at predetermined time and date in accordance with the time and date detected by the clocking means (Chang, Fig. 1, element 4, Fig. 2A, col. 6, lines 25-33).

As per claim 3, Chang teaches all the claimed subject matters as discussed in claim 1, and further teaches the schedule generating means set time and date of connection for each schedule data (Chang, col. 6, lines 3-59).

As per claim 4, Chang teaches all the claimed subject matters as discussed in claim 1, and further teaches data storing means for storing the hypertext data obtained from the server apparatus (Chang, Fig. 2B, element 7, col. 6, lines 36-38); data reading out means for reading out the hypertext data stored in the data storing means; and data display means for displaying the hypertext data read out by the data reading out means, wherein the hypertext data, which was requested to be obtained in the off-line operation is linked with hypertext data which is displayed by the data display means in the off-line operation (Chang, col. 7, lines 1-33).

As per claim 5, Chang discloses a data communication apparatus, which utilizes hypertext data stored in a server apparatus via a network, the data communication apparatus comprising:

schedule generating means for generating and storing schedule data based on a request for transmitting the data to the server apparatus which occurs in off-line operation in which the data communication apparatus is not connected to the network nor to any intermediary device (Chang, col. 5, lines 59-65, col. 6, lines 3-27); and

schedule processing means for processing during on-line operation the request for transmitting the data based on the stored off-line schedule data when the data communication apparatus is connected to the network (Chang, Fig. 2A & 2B, col. 5, line 65 – col. 6, line 2, col. 6, lines 27-59).

Claims 6-19 are rejected on grounds corresponding to the reasons given above for claims 1-5.

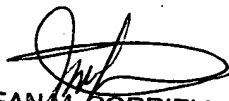
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571)272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen  
November 8, 2004

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER